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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/925,227

Applicant(s)

BAINBRIDGE ET AL.

Examiner

Mohammad A Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/26/01</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-30 have been examined.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. The language of the claims 1, 9, 20 and 22 raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101 nor is there a transformation of something physical to another state or thing.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-11 and 23-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohno et al. (6,578,088) (hereinafter Ohno).

6. As per claim 1, Ohno discloses a method for management of network addresses comprising the steps of:

determining an address utilization state of a network (in-use address, col 2, lines 26-34); and

performing a specified action in response to the address utilization state (storing examination result, col 2, lines 26-34).

7. As per claim 2, Ohno discloses comparing the address utilization state (901, fig 9) with condition information (901, fig 9);

upon the address utilization state meeting the condition (901, fig 9), completing the step of performing a specified action wherein the specified action is associated with the condition (901, fig 9); and upon the address utilization state not meeting the condition (901, fig 9), completing the step of performing a specified action (902, fig 9) wherein the specified action is a null (col 6, lines 36) action (901, fig 9, col 11, lines 40-49).

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8. As per claim 3, Ohno discloses the action is allocating specific addresses to a particular network, the addresses being assignable to devices on the particular network (803, fig 8, col 4, lines 23-37).

9. As per claim 4, Ohno discloses the action is reconfiguring addresses on a particular network including more than one address block, resulting in decreasing the number of address blocks associated with the particular network (103, 102, 105 fig 1, col 5, lines 60-67 and col 6, lines 1-14, lines 20-26, not known by the DHCP server).

10. As per claim 5, Ohno discloses the addresses are reconfigured based on an existing address block (prevent a duplicate address from being distributed, col 6, lines 1-20).

11. As per claim 6, Ohno discloses the action is reclaiming specific addresses from a particular network, resulting in making the addresses unassignable to devices on the particular network (prevent a duplicate address from being distributed by using distribution status field, col 6, lines 1-19).

12. As per claim 7, Ohno discloses the action is notifying a network access manager that an address utilization condition is met and awaiting a response from the network access manager as to further action to perform (col 10, lines 3-17).

13. As per claim 8, Ohno discloses the step of determining the state of address utilization comprises querying a Dynamic Host Configuration Protocol (DHCP) server (101, fig 1, col 5, lines 8-17).

14. As per claim 9, Ohno discloses a method for automated management of network addresses comprising the steps of:

receiving condition information (901, fig 9) describing a network address utilization state for triggering an action (902, fig 9, col 9, lines 46-63);

receiving action information describing an action associated with the condition (901, 902, fig 9; determining an address utilization state of a network (900,901,fig 9, col 9, lines 46-63); and

performing the specified action in response to the address utilization state meeting the condition (902, 901, fig 9, col 9, lines 46-63).

15. As per claim 10, Ohno discloses the description of the condition and the specification of the action are received from a broadband network access provider (114, fig 1).

16. As per claim 11, Ohno discloses the claim is rejected for the same reasons as claim 8, above.

17. As per claim 23, the claim is rejected for the same reasons as claim 1, above.

18. As per claim 24, the claim is rejected for the same reasons as claim 3, above.

19. As per claim 25, the claim is rejected for the same reasons as claim 4, above.

20. As per claim 26, the claim is rejected for the same reasons as claim 6, above.

21. As per claim 27, the claim is rejected for the same reasons as claim 7, above.

22. As per claim 28, the claim is rejected for the same reasons as claim 8, above.

23. As per claim 29, the claim is rejected for the same reasons as claim 1, above

24. As per claim 30, the claim is rejected for the same reasons as claim 9, above

***Claim Rejections - 35 USC § 103***

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claims 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohno et al. (6,578,088) (hereinafter Ohno) in view of Fijolek et al. (6,223,222) (herein after Fijolek).



27. As per claim 12, defining to an address assignor one or more ranges of network addresses wherein the ranges include addresses that are assignable to devices on a network (803, fig 8, col 4, lines 23-37); and Ohno does not expressly teaches configuring at least one routing means on the network to support routing transmissions to at least one of the network addresses. However Fijolek discloses configuring at least one routing means on the network to support routing transmissions to at least one of the network addresses (col 28, lines 63-67 and col 29, lines 1-6). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Ohno and Fijolek. The motivation would have been developing a system, which can dynamically assign network addresses from the address pool when a network device requests a desired service level agreement.

28. As per claim 13, the claim is rejected for the same reasons as claim 12, above. In addition Fijolek discloses creating one or more sub-interfaces on a physical interface of the routing means, wherein each sub-interface is associated with a particular network service provider (col 28, lines 63-67, lines 4-11 and col 29, lines 1-6 and); and

assigning one or more sub-networks to one or more of the sub-interfaces (col 15, lines 39-67 and col 8, lines 49-56).

29. As per claim 14, the claim is rejected for the same reasons as claim 12, above. In addition Fijolek discloses specifying to the address assignor one or more sub-networks to which any of the one or more defined network address ranges are assignable (col 15, lines 39-67 and col 8, lines 49-56);

reserving a network address for a particular router means associated with a particular sub-network from the one or more sub-networks, wherein the reserved network address is from a defined address range assigned to the particular sub-network (col 15, lines 39-67 and col 8, lines 49-56); and

specifying to the address assignor a particular default routing means for a particular device on the network that is assigned a network address from any of the one or more defined address ranges (pool of network addresses, col 41, lines 4-13, col 15, lines 31-65 and col 9, lines 24-31).

30. As per claim 15, the claim is rejected for the same reasons as claim 12, above. In addition Fijolek discloses the step of defining to an address assignor one or more ranges of network addresses comprises proportionally associating a range of network addresses to routing means based on a previous distribution of addresses associated with the routing means (col 28, lines 63-67, col 29, lines 1-6 and col 41, lines 4-13).

31. As per claim 16, the claim is rejected for the same reasons as claim 12, above. In addition Fijolek discloses defining to an address assignor one or more ranges of network addresses wherein the ranges include addresses that are assignable by the address assignor to devices on a network and wherein the ranges of network addresses are newly defined to the address assignor network addresses, col 41, lines 4-13, col 15, lines 31-65 and col 9, lines 24-31);

configuring at least one routing means on the network to support routing transmissions to at least one of the network addresses network addresses, col 41, lines 4-13, col 15, lines 31-65 and col 9, lines 24-31);

specifying to the address assignor one or more sub-networks to which any of the one or more defined address ranges are assignable network addresses, col 41, lines 4-13, col 15, lines 31-65 and col 9, lines 24-31);

reserving a network address for a particular router means associated with a particular sub-network from the one or more sub-networks, wherein the reserved network address is from a defined address range assigned to the particular sub-network (network addresses, col 41, lines 4-13, col 15, lines 31-65 and col 9, lines 24-31);

specifying to the address assignor a particular default routing means for a particular device on the network that is assigned a network address

from any of the one or more defined address ranges (network addresses, col 41, lines 4-13, col 15, lines 31-65 and col 9, lines 24-31); and

directing the address assignor to discontinue renewing and distributing network addresses from one or more old ranges of network addresses other than those newly defined to the address assignor ( network addresses, col 41, lines 4-13, col 15, lines 31-65 and col 9, lines 24-31).

32. As per claim 17, the claim is rejected for the same reasons as claim 12, above. In addition Fijolek discloses removing from the address assignor the capability to assign to network devices the addresses from the one or more old ranges, and removing from routing means -the capability to support routing transmissions to the network addresses from the one or more old ranges (col 23, lines 41-54).

33. As per claim 18, the claim is rejected for the same reasons as claim 12, above. In addition Fijolek discloses creating one or more sub-interfaces on a physical interface of the routing means, wherein each sub-interface is associated with a particular network service provider; and assigning one or more sub-networks to one or more of the sub-interfaces (network addresses, col 41, lines 4-13, col 15, lines 31-65 and col 9, lines 24-31).

34. As per claim 19, the claim is rejected for the same reasons as claim 12, above. directing an address assignor to discontinue renewing and distributing network addresses from one or more ranges of network addresses (col 23 lines 41-54); and

upon passing of one address lease cycle associated with the address assignor and each network device administered by the address assignor, removing from the address assignor the capability to assign to network devices the addresses from the one or more ranges, and removing from one or more routing means the capability to support routing transmissions to the network addresses from the one or more ranges (col 23, lines 41-54).

35. As per claim 20, Ohno discloses receiving condition information (901, fig 9) describing a network address utilization state for triggering an action (902, fig 9, col 9, lines 46-63);

receiving action information describing an action associated with the condition (901, 902, fig 9; determining an address utilization state of a network (900,901,fig 9, col 9, lines 46-63); and

performing the specified action in response to the address utilization state meeting the condition (902, 901, fig 9, col 9, lines 46-63).

Ohno does not specifically disclose the steps are performed at one or more facilities from a hierarchical group of facilities described, in increasing levels,

as a cable head-end facility, a cable regional data center facility, and a cable national data center facility; and wherein the steps are performed at one of the one or more facilities to manage network addresses of facilities on the same hierarchical level. However, Fijolek discloses the steps are performed at one or more facilities from a hierarchical group of facilities described, in increasing levels, as a cable head-end facility, a cable regional data center facility, and a cable national data center facility; and wherein the steps are performed at one of the one or more facilities to manage network addresses of facilities on the same hierarchical level (elements, fig 1, col 6, lines 1-67 and col 7, lines 1-30). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Ohno and Fijolek. The motivation would have been developing a system, which can dynamically assign network addresses from the address pool when a network device requests a desired service level agreement.

36. As per claim 21, the claim is rejected for the same reasons as claim 20, above. In addition, Fijolek discloses The method of claim 20 wherein the steps are performed at one of the one or more facilities to manage network addresses of facilities on a lower hierarchical level (28, fig 1).

37. As per claim 22, the claim is rejected for the same reasons as claims 20 and 12-16, above.

### ***Conclusion***

38. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,487,594 teaches policy management.

U.S. Patent 6,373,817 routing via alternate network.

U.S. Patent 6,553,568 teaches service level agreement over cable network.

U.S. Patent 6,170,061 cable modem registration.

U.S. Patent 6,779,004 teaches auto configuration.

U.S. Patent 6,587,882

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571) 272-

3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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